

**MINUTES of an ORDINARY MEETING of COUNCIL held in the Council Chambers,  
Level 2, Civic Administration Building, 838-842 Fergusson Drive, Upper Hutt  
on WEDNESDAY 24 FEBRUARY 2016 commencing at 4.30pm**

**PRESENT:** HIS WORSHIP THE MAYOR MR W N GUPPY (CHAIR), CRS M T AMOUR,  
J B GRIFFITHS, J C GWILLIAM, P E LAMBERT, G T MCARTHUR, A R MCLEOD,  
B D RABBITT, H SWALES, S P TAYLOR AND D V WHEELER

**ATTENDING:** CHIEF EXECUTIVE, DIRECTOR OF ASSET MANAGEMENT AND OPERATIONS,  
DIRECTOR OF BUSINESS DEVELOPMENT SERVICES, DIRECTOR OF COMMUNITY  
SERVICES, DIRECTOR OF CORPORATE SERVICES, DIRECTOR OF PLANNING AND  
REGULATORY SERVICES, CITY SOLICITOR, CONSULTANT PLANNER AND  
EXECUTIVE ASSISTANT DEMOCRATIC SERVICES

**A. PUBLIC BUSINESS**

The Mayor opened the meeting with a prayer.

His Worship the Mayor made mention of the following:

- 17 December - Official Opening Monterey Cinemas
- 16 January - Deputy Mayor Gwilliam attended the Ballinger Belt Final and presentation
- 23 January – Wellington Cup Festival at Trentham
- 30 January – City of Song Festival at Harcourt Park
- 6 February – Waitangi Day celebrations at Orongomai Marae
- 13 February - Clyma Park Community Group Garden 5th Birthday Celebrations
- The Mayor acknowledged thanks to Chinese artist Stan Chan who as part of Chinese New Year celebrations gifted the City a painting to celebrate Year of the Monkey at an event at Expressions.
- The Mayor expressed sympathy at the passing of Dr Rainey on Boxing Day and observed a minute's silence.

**1. PUBLIC FORUM**

**Greg Rzesniowiecki, TPPA Action Group regarding the Trans Pacific Partnership**

Mr Rzesniowiecki spoke to his tabled document providing a further update following his presentation to the Policy Committee meeting on 10 February 2016 which included an updated set of recommendations for Council to consider.

**Antony Maddock, TPPA Action Group regarding the Trans Pacific Partnership**

Mr Maddock encouraged Council to make the decision to support the recommendations and make Upper Hutt a TPPA Free Zone.

**Mary Beth Taylor regarding the Trans Pacific Partnership**

Spoke of Seattle City Council's recent opposing to the Trans Pacific Partnership and provided some insight for their decision and why it was important for the Upper Hutt City Council to do the same.

**RESOLVED**

**THAT the public forum section of this meeting be extended.**

Moved

Cr McArthur / Cr McLeod

**CARRIED**

**Eve Jones regarding the Trans Pacific Partnership**

Encouraged Council to make Upper Hutt a TPPA Free Zone and explained her reasons for this.

**Pat van Berkel regarding the Land Use Strategy**

Spoke of the Silverstream Spur that is part of the Land Use Strategy. Mr van Berkel commented of the iconic importance of the Silverstream Spur and the importance of protecting the green belt. He asked Council to reject the document and sort out an anomaly regarding the Silverstream Spur and its development prior to its release for consultation.

**2. GENERAL BUSINESS**

Councillors McLeod, Rabbitt and Taylor declared an item of general business.

**3. CONFLICT OF INTEREST DECLARATIONS**

Nil.

**4. APPROVAL OF MINUTES****[ORDINARY COUNCIL \(M.P. 159-164 16/12/15\)](#)****RESOLVED**

**THAT the minutes of the Ordinary Council held on 16 December 2015 be approved.**

Moved

His Worship the Mayor / Cr McLeod

**CARRIED**

Councillor McLeod sought clarification as to why the resolution from the Ordinary Council meeting held on 16 December 2015 which asked for a report on the TPPA to be included in the Policy Committee agenda for February was incorporated into the Chief Executive's report and not a separate item.

**5. APPROVAL OF COMMITTEE MINUTES****(a) [HEARINGS PANEL \(M.P. 157-158 10/12/15\)](#)****RESOLVED**

**THAT the report of the Hearings Panel held on 10 December 2015 be received.**

Moved

Cr McArthur / Cr McLeod

**CARRIED**

**(b) [HEARINGS PANEL \(M.P. 4-5 02/02/16\)](#)****RESOLVED**

**THAT the report of the Hearings Panel held on 2 February 2016 be received.**

Moved

Cr Gwilliam / Cr McLeod

**CARRIED**

**(c) [CITY SERVICES COMMITTEE \(M.P. 1-3 03/02/16\)](#)****RESOLVED**

**THAT the report of the City Services Committee held on 3 February 2016 be received and the recommendations contained therein be adopted.**

Moved

Cr Swales / Cr Taylor

**CARRIED**

**(d) AUDIT AND FINANCE COMMITTEE (M.P. 6-8 09/02/16)****RESOLVED**

**THAT the report of the Audit and Finance Committee held on 9 February 2016 be received and the recommendations contained therein be adopted.**

Moved

Cr Rabbitt / Cr Gwilliam

**CARRIED****(d) POLICY COMMITTEE (M.P. 9-12 10/02/16)****RESOLVED**

**THAT the report of the Policy Committee held on 10 February 2016 be received and the recommendations contained therein be adopted Excluding Item 8 - Chief Executive's Report.**

Moved

Cr McArthur / His Worship the Mayor

**CARRIED****ITEM 8 – CHIEF EXECUTIVE'S REPORT**

301/25-009

Councillor McLeod expressed her opinion that as leaders of the community it is important to support the TPP recommendations to protect the future of local government. She stated that local government is specifically mentioned within the TPPA text and asked that fellow Councillors think of the future, our children and our community and look after them by resolving to support the resolutions.

His Worship the Mayor asked if Councillors had seen the recent statement by Local Government New Zealand which stated in their opinion that TPPA would have no effect on the way in which local government is able to operate.

Councillor Gwilliam suggested moving each recommendation separately as there may be some varying views on each statement. Councillor Gwilliam passed comment that he was impressed with the quality of the speakers who have attended. The speakers have asked that we as a Council take a stand to make a declaration and declare that we are a TPP free zone. Councillor Gwilliam spoke to his concerns of the TPP noting he was seeking a balanced approach to the TPP adding with any trade agreements there are always winners and losers. He noted that his particular concerns were about the Investor State Dispute Settlement clauses which had led to major issues under the North American Free Trade Agreement. He noted that Upper Hutt City Council has always taken an independent stance on various matters and had a history of taking certain stances on particular issues and believes that is what the community expects of its leaders. Councillor Gwilliam noted he did support some of the provisions in the recommendations but is unsure that the community has expressed enough support to make Upper Hutt a TPP Free Zone.

Councillor Taylor also commended the speakers on the quality of their presentations noting he did not share their concerns around the TPP. Councillor Taylor added that speaking at Council meetings is an important part of democracy even if everyone does not agree and by people doing so it has drawn attention to the TPP debate which has helped people to scrutinise it and understand it more. Councillor Taylor spoke that the more he learns about the TPP the more he is of the opinion it is a huge achievement that will benefit New Zealand. Councillor Taylor stated he strongly opposed the Council making a political statement against the TPP by declaring Upper Hutt a 'TPP Free Zone'. Councillor Taylor added the topic of the TPP is very different to the super city debate, where thorough surveys of the community had been undertaken. Council knew the residents were overwhelming against super city amalgamation and Council could use that feedback to have a clear mandate to oppose amalgamation. Councillor Taylor noted Council has done no such consultation on the TPP and does not have that same mandate to adopt an anti-TPP stance on behalf of the city.

Councillor Swales reiterated the calibre of the speakers and the material that has been provided by them. Councillor Swales commented that she also shares similar concerns to that of Councillor Gwilliam around the ISDS. Councillor Swales noted that on her travels, people in New York were asking what does New Zealand think of the TPP agreement. Councillor Swales stated that there is little support for it there. Councillor Swales urged for caution until there is more transparency around the process and detail on the agreement and will be supporting all eight recommendations.

Councillor Lambert noted the reference earlier made by His Worship the Mayor regarding Local Government New Zealand's statement suggesting it will have little effect on local government and would like to remind colleagues that we don't always agree with what Local Government has to say and that may be the same on this occasion.

His Worship the Mayor noted it was best to take the recommendations in its entirety as an eight point recommendation.

Councillor McLeod used her right of reply to summarise the key messages and seek support to the recommendations.

**RESOLVED:**

**THAT the Council:**

1. **NOTES the tabled information.**
2. **REVIEWS the Trans Pacific Partnership (TPP) text against the TPP Policy Solution adopted by councils representing a majority (60%) of the NZ population.**
3. **ASKS that Central Government initiates a full public and parliamentary debate before proceeding with formal consideration of the TPP, including any further binding treaty action.**
4. **ASKS that Central Government carry out independent human rights, health and environmental impact assessments of the potential effects of the TPP on the people and the land of New Zealand, as urged by the United Nations independent expert Alfred de Zayas, and make this information publicly available.**
5. **ASKS that Central Government consults with local government prior to any further action taken that might compromise the ability of local government to make decisions in the interests of our region, the people and their environment.**
6. **INSTRUCTS the Council's Mayor to write to the President of LGNZ, requesting that a local government evaluation, based on an independent analysis of the implications of the TPP for local government, and for the social, cultural, economic, environmental and health and wellbeing of communities, be undertaken as a basis of LGNZ input into parliamentary consideration, and that the evaluation report should be made publicly available and widely publicised.**
7. **UNTIL such time as there is robust debate and convincing protection of local government decision-making for the benefit of residents, citizens and ratepayers, and an analysis of how these issues will be addressed at local government level, Upper Hutt City Council declares itself a TPPA free zone where the constraints imposed by the TPPA, and the changes to national and local legislation to make our area comply with TPPA requirements are not supported by the Upper Hutt City Council.**
8. **THAT this resolution and background information be circulated to all other councils and local and community boards around New Zealand and that it is sent immediately to the New Zealand Minister of Trade and Prime Minister.**

Moved

Cr McLeod / Cr Swales

FOR THE MOTION:

Crs Amour, Gwilliam, Lambert, McArthur, McLeod, Swales, Wheeler (7)

AGAINST THE MOTION:

His Worship the Mayor, Crs Griffiths, Rabbitt, Taylor (4)

THE MOTION WAS

**CARRIED****6. DRAFT LAND USE STRATEGY: UPPER HUTT 2016-2046 (350/10-015)**

Report from the Planning Policy Manager dated 10 February 2016 (agenda pages A6-1 to A6-109).

A replacement for page A6-78 was tabled updating figure 29 of Maymorn.

His Worship the Mayor commented that following discussions with some community groups that it has been asked for the consultation period to be extended and recommend that the timetable is altered to an eight week submission period.

**RESOLVED**

1. **THAT the Council adopts the draft Land Use Strategy: Upper Hutt 2013-2046 for consultation and:**
  - i. **THAT the attached Land Use Strategy: Upper Hutt 2013-2046 is the Statement of Proposal.**
  - ii. **THAT the tabled Summary document is the Summary of Information.**
  - iii. **THAT consultation will be carried out by publishing the Summary of Information in the Upper Hutt Leader as soon as practicable and also making both the Statement of Proposal and Summary of Information available on the internet and in hard copy from the Civic Administration Building, the i-Site and the Library.**
2. **THAT the review of the Urban Growth Strategy (now titled Land Use Strategy: Upper Hutt 2016-2043) continues to have a 'high' degree of significance under the Significance and Engagement Policy.**
3. **THAT the appended Engagement Plan is approved.**

Moved

His Worship the Mayor / Cr Rabbitt

**CARRIED****7. PROPOSED PLAN CHANGE 38: NETWORK UTILITIES AND RENEWABLE ENERGY GENERATION (351/12-041)**

Report from the Planner (Policy) through the Director, Planning and Regulatory Services dated 3 February 2016 (agenda pages A7-1 to A7-161).

**RESOLVED**

1. **THAT Council chooses option (b) to adopt the recommendations of the Hearing Committee and therefore approves Plan Change 38 in accordance with clause 29(4) of the First Schedule of the Resource Management Act 1991 for the reasons set out in the Hearing Committee's report.**
2. **THAT pursuant to clause 10 of the First Schedule of the Resource Management Act 1991, Council gives notice of its decisions on Plan Change 38 in accordance with the Hearing Committee's recommendations set out in the Hearing Committee's report.**
3. **THAT pursuant to clause 29(5) of the First Schedule of the Resource Management Act 1991, Council gives notice of its decisions on Plan Change 38 to submitters on the Plan Change.**

**4. THAT Council delegate authority to the Chief Executive to correct minor errors to the operative Plan Change as may be required.**

Moved

Cr McArthur / His Worship the Mayor

**CARRIED**

**8. DOCUMENTS SEALED (311/01-003)**

Schedule of Documents Sealed for the period 7 December 2015 to 18 February 2016 (agenda page A8-1).

**RESOLVED**

**THAT the Schedule of Documents Sealed be received and the actions recorded therein be confirmed.**

Moved

His Worship the Mayor / Cr McLeod

**CARRIED**

**9. SEALING AUTHORITY (311/01-003)**

**RESOLVED**

**THAT approval be given for the Common Seal to be affixed to all relevant documents in connection with decisions reported in respect of any of the foregoing and following items.**

Moved

His Worship the Mayor / Cr McLeod

**CARRIED**

**9. GENERAL BUSINESS**

- Councillor Taylor recognised the exceptional work recently by fire fighters and support crew for fighting the fires at Maidstone Park and expressed his thanks to them.
- Councillor provided an update from the recent Waste Forum meeting noting a lot of work which has been recently completed on upcycling clothes and textiles and that there are awards in Carterton for such a thing. Councillor McLeod showed 'bin springs' which have been introduced by an Australian company into New Zealand for the lids of the bins to keep them closed on windy days but still enable them to be emptied on collection day. Councillor McLeod asked if Council could consider them.
- Councillor McLeod enquired to the Standing Orders and asking when they would be reviewed to include sign language as she had previously mentioned. His Worship the Mayor commented that a review takes place at the beginning of each Triennium and it would be included as part of that.
- Councillor Rabbitt followed on from Councillor Taylor regarding the fires at Maidstone Park adding that the scars are still very visible from a fire on the hill across from Black Beech Street from 40 years ago and asked if Council would work with Forest Bird or other community groups to complete plantings of Maidstone Park when time was right. The Chief Executive commented that a staff initiative would be commencing shortly with Forest Bird involving 35 staff who have volunteered and Maidstone Park replanting is one of the areas being considered. Councillor Rabbitt asked to be involved with the planting.

**10. PUBLIC EXCLUSION**

Resolution as follows required:

**THAT the public be excluded from the following parts of the proceedings of this meeting, namely:**

- B.1     APPROVAL OF MINUTES**
- B.2     APPROVAL OF COMMITTEE REPORT MINUTES**
- B.3     GENERAL BUSINESS**

THAT the general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

(A) GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	(B) REASONS FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	(C) GROUND UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
Approval of Minutes	To protect information subject to an obligation of confidence and the privacy of natural persons.	Section 48(1)(a)(i)
Approval of Committee Report Minutes	To protect information subject to an obligation of confidence and the privacy of natural persons.	Section 48(1)(a)(i)
General Business	To protect the privacy of natural persons.	Section 48(1)(a)(i)

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of the Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as specified in Column B above.

Moved

His Worship the Mayor / Cr McArthur

**CARRIED**

The Public Business section of the meeting concluded at 5.47pm.

The Public Excluded section of the meeting concluded at 6.18pm.

Confirmed this 6<sup>th</sup> day of April 2016.

W N Guppy  
**MAYOR**

The following minutes in the public excluded section of the meeting were released for public information, noting that any reference to identifying the dog owner has been blanked out.

**B.2 APPROVAL OF COMMITTEE REPORT MINUTES: HEARINGS PANEL (M.P.C. 53-54 10/12/15)****1. OBJECTION TO REMOVE A BARKING DOG FROM THE PROPERTY****DECISION**

1. THAT the report be received.
2. THAT the Removal Notice be upheld with a modification to remove the notice on 30 June 2016 provided there have been no confirmed complaints in relation to [REDACTED] regarding the dog [REDACTED].
3. THAT the Panel's decision be made public.

**REASONS**

1. The Hearing Panel is satisfied that the barking nuisance has been resolved at the present time.
2. The effects on the amenity of neighbours are considered to be significant and warrant the removal notice being upheld for a further temporary period.

Moved

Cr McLeod / Cr Wheeler

**CARRIED****B.2 APPROVAL OF COMMITTEE REPORT MINUTES: HEARINGS PANEL (M.P.C. 2-5 02/02/16)****1. OBJECTION TO A DOG BEING CLASSIFIED AS MENACING****DECISION**

1. THAT the report be received.
2. THAT the Panel rescinds the classification of [REDACTED] as a menacing dog pursuant to Section 31 of the Dog Control Act 1996.
3. THAT the decision is made public.

Moved

Cr Gwilliam / Cr McLeod

**CARRIED****REASONS**

1. The Panel is satisfied that the available evidence establishes that the incident, involving the dog [REDACTED], took place.
2. Notwithstanding the serious nature of the incident which the Panel noted is acknowledged by the owners, the Panel considers that the risk of a further incident is small having regard to the following factors:
  - The responsible response of the owners including their undertaking that [REDACTED] will no longer be left at the [REDACTED] address, the provision of fencing to contain [REDACTED] at the owners' property, the neutering of the dog, and the engagement of a dog behaviourist to advise on actions to improve the owners' management of [REDACTED];
  - The dog behaviourist's assessment of the good character of [REDACTED];
  - The lack of complaints relating to the owners at their own address where [REDACTED] lives.

3. On the basis of its assessment of the low risk of a further incident the Panel is satisfied that there is not a need to classify [REDACTED] as a menacing dog in order to maintain public safety.

**MINUTES of a PUBLIC EXCLUDED ORDINARY MEETING of COUNCIL held in the Council Chambers,  
Level 2, Civic Administration Building, 838-842 Fergusson Drive, Upper Hutt  
on WEDNESDAY 24 FEBRUARY 2016 commencing at 5.47pm.**

**1. LATE ITEM**

A late item has been received and tabled for consideration. The report was not received in time for it be included as part of the agenda.

**RESOLVED**

**THAT pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, the Council hereby resolves that the report dated 23 February 2016 from the Chief Executive relating to the Memorandum of Understanding between Upper Hutt City Council and Guildford Timber Company be dealt with in the Non Public section of the Council meeting to be held on Wednesday 24 February 2016.**

Moved

His Worship the Mayor / Cr Swales

**CARRIED**

**MEMORANDUM OF UNDERSTANDING BETWEEN UPPER HUTT CITY COUNCIL  
AND GUILDFORD TIMBER COMPANY**

**350/10-015**

Report from the Chief Executive dated 23 February 2016.

**RESOLVED**

1. **THAT the MOU relating to land exchange between GTC and UHCC be approved.**
2. **THAT Council authorise the Mayor and Chief Executive to sign on behalf of Council.**
3. **THAT following Council approval that this report and attached MOU between GTC and UHCC be made public.**

Moved

Cr McArthur / Cr Griffiths

**CARRIED**